

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEN LAFFIN, DAVID WANTA, and §
REBECCA BURGWIN, §
Individually and on Behalf of All Others §
Similarly Situated, §

Plaintiffs, §

v. §

C.A. No.: 3:11-cv-00345

NATIONAL FOOTBALL LEAGUE, §
COWBOYS STADIUM, G.P., LLC, §
COWBOYS STADIUM, L.P., DALLAS §
COWBOYS FOOTBALL CLUB, LTD., §
AND JWJ CORPORATION, §

Defendants. §

DEFENDANTS' JOINT NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, the National Football League (the “NFL”), Cowboys Stadium, G.P., LLC, Cowboys Stadium, L.P., Dallas Cowboys Football Club, Ltd., and JWJ Corporation (collectively, the “Cowboy Defendants,” and with the NFL, “Defendants”), through their attorneys, file this Notice of Removal of the above-captioned case pending in the in the District Court of Dallas County, Texas, 192nd Judicial District as Cause No. DC-11-01414-K (the “Lawsuit”).¹ In support of such removal, the Defendants state as follows:

1. The Lawsuit was filed in the District Court of Dallas County, Texas on February 9, 2011 as cause No. DC-11-GN-003854.²

¹ By removing this proceeding, the Defendants do not waive, and shall not be deemed to have waived, any available defenses or rights.

² A complete copy of the record in the Dallas County proceeding is attached hereto as Exhibits 1-4.

Removal Based on the Class Action Fairness Act of 2005

2. Removal of this action is proper because: (1) this action is brought as a putative class action; (2) a member of the putative class of plaintiffs is a citizen of a State different from a defendant; and (3) the amount in controversy exceeds \$5,000,000, exclusive of interest and costs. 28 U.S.C. §§ 1332(d), 1453(b).

3. At the time of the Lawsuit's filing and at the time of removal of this action, Defendants are informed and believe that Plaintiffs Ken Laffin, David Wanta and Rebecca Burgwin are citizens of Wisconsin.

4. At the time of the Lawsuit's filing and at the time of removal of this action, one or more of the Defendants are citizens of states other than Wisconsin.

5. Plaintiffs have filed this case as a class action pursuant to Tex. R. Civ. P. 42.

6. The amount in controversy in this Lawsuit exceeds \$5 million exclusive of costs and interests. A parallel putative class action currently pending in United States District Court for the Northern District of Texas, styled *Steve Simms et al. v. Jerral "Jerry" Wayne Jones et al.*, Civil Action No. 11-CV-00248 M, on behalf of the same or similar class of individuals, alleges in excess of \$5,000,000, exclusive of costs and interest. Plaintiffs in this Lawsuit seek to represent a class of "all holders of tickets to the Super Bowl harmed by Defendants' actions," which Plaintiffs allege consists of more than 2,400 members. Plaintiffs assert claims for common law fraud, statutory fraud, breach of contract, fraudulent inducement, negligence and negligent misrepresentation. Plaintiffs seek on behalf of the putative class, actual, consequential and punitive damages, as well as attorney's fees. The claims of all individual class members are aggregated to determine the amount in controversy. 28 U.S.C. § 1332(d)(6). Therefore, the amount in controversy exceeds \$5,000,000, exclusive of costs and interest.

7. This Notice of Removal is being filed with the Clerk of the District Court of Dallas County, Texas, and is being served upon counsel for Plaintiffs pursuant to 28 U.S.C. 1446(d).

WHEREFORE, Defendants National Football League, Cowboys Stadium, G.P., LLC, Cowboys Stadium, L.P., Dallas Cowboys Football Club, Ltd., and JWJ Corporation hereby remove this action from the District Court of Dallas County, Texas, 192nd Judicial District, to the United States District Court for the Northern District of Texas, Dallas Division.

February 18, 2011

By: /s/ Thaddeus Behrens
George Bramblett, TBN 02867000
george.bramblett@haynesboone.com
R. Thaddeus Behrens, TBN 24029440
thad.behrens@haynesboone.com
Daniel H. Gold, TBN 24053230
daniel.gold@haynesboone.com
HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
(214) 651-5000
(214) 651-5940 (Facsimile)

**ATTORNEYS FOR DEFENDANT
NATIONAL FOOTBALL LEAGUE**

McCATHERN | MOOTY | HYDE | GRINKE L.L.P.

By: /s/ David W. Dodge
Levi G. McCathern, II
State Bar No. 00787990
lmccathern@mccathernlaw.com
Paul Grinke
State Bar No. 24032255
pgrinke@mccathernlaw.com
David W. Dodge
State Bar No. 24002000
ddodge@mccathernlaw.com
Arnold Shokouhi
Texas State Bar No. 24056315
arnolds@mccathernlaw.com

3710 Rawlins, Suite 1600
Dallas, Texas 75219
Telephone: 214.741.2662
Facsimile: 214.741.4717

**ATTORNEYS FOR DEFENDANTS
COWBOYS STADIUM, G.P., LLC,
COWBOYS STADIUM, L.P., DALLAS
COWBOYS FOOTBALL CLUB, LTD, and
JWJ CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served upon the following counsel of record via facsimile and U.S. Mail in accordance with the Texas Rules of Civil Procedure on this 18th day of February, 2011:

Jeffrey Goldfarb
Charles W. Branham, III
Hamilton Lindley
GOLDFARB BRANHAM LLP
Saint Ann Court
2501 N. Harwood, Ste. 1801
Dallas, TX 75201
(214) 583-2234 (Facsimile)

Levi G. McCathern II
Paul A. Grinke
David W. Dodge
MCCATHERN MOOTY HYDE GRINKE LLP
Regency Plaza
3710 Rawlins Street, Suite 1600
Dallas TX 75219
(214) 741-4717 (Facsimile)

/s/ Thaddeus Behrens